

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|------------------------|----------|--------------------------------|
| IN RE: | { | CHAPTER 13 |
| | { | |
| SARAH M. THOMAS | { | CASE NO.: A11-72948-CRM |
| DEBTOR | { | |
| | { | JUDGE MULLINS |

**MOTION TO DISMISS CASE FOR FAILURE TO COMPLY
WITH 11 U.S.C. SECTION 109(h) and 11 U.S.C. SECTION 521(b)**

COMES NOW NANCY J. WHALEY, Standing Chapter 13 Trustee, in the above-referenced matter, and files this Motion to Dismiss Case for Failure to Comply with 11 U.S.C. Section 109(h) and 11 U.S.C. Section 521(b). The Trustee respectfully shows the Court the following:

1.

The Debtor filed for relief under Chapter 13 of Title 11 on August 5, 2011.

2.

Pursuant to 11 U.S.C. Section 109(h), to be eligible to be a Debtor under Chapter 13 under Title 11, the individual must obtain creditor counseling within 180 days preceding the filing of the case. Credit Counseling must be obtained from an agency approved by the United States Trustee. Pursuant to 11 U.S.C. Section 521(b), a certificate from the approved nonprofit budget and credit counseling agency must be filed with the Court.

3.

Pursuant to the Court's docket, a certificate from the approved nonprofit budget and credit counseling agency has not been filed demonstrating that the Debtor has obtained the required counseling.

Wherefore the Trustee prays for an Order dismissing this case for failure to comply with 11 U.S.C. Section 109(h) and/or 11 U.S.C. Section 521(b).

THIS THE 12th day of August, 2011

Respectfully submitted,

/s/ _____
Maria J. Kirtland
Attorney for Chapter 13 Trustee
GA Bar No. 118350

/nt

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

Debtor:
Sarah M. Thomas
5109 Claxton Ct.
Mableton, GA 30126

Attorney for Debtor:
Pro Se

with a copy of the foregoing Trustee's Motion to Dismiss Case For Failure to Comply by deposition in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This the 12th day of August, 2011

/s/ _____
Maria J. Kirtland
Attorney for Chapter 13 Trustee
GA Bar No. 118350
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303
(678) 992-1201

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| IN RE: | : | CHAPTER 13 |
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| SARAH M. THOMAS | : | CASE NUMBER A11-72948-CRM |
| DEBTOR | : | |
| | : | |
| NANCY J. WHALEY, TRUSTEE | : | |
| MOVANT | : | JUDGE MULLINS |
| Vs. | : | |
| | : | |
| SARAH M. THOMAS | : | CONTESTED MATTER |
| RESPONDENT | : | |

**NOTICE OF HEARING ON TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE
TO COMPLY WITH 11 U.S.C. Section 109(h) and 11 U.S.C. Section 521(b)**

PLEASE TAKE NOTICE that Nancy J. Whaley has filed a Motion to Dismiss with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Trustee's Motion to Dismiss in *Courtroom 1203, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia at 10:00 a.m., Tuesday, September 20, 2011.*

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in their bankruptcy case. (If you do not have any attorney, you may wish to consult with one). If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including address) you served the response. Mail or deliver your response so that

it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is **Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303.** You must also mail a copy of your response to the undersigned at the address stated below.

THIS THE 12th day of August, 2011

Respectfully submitted,

/s/ _____
Maria J. Kirtland
Attorney for Chapter 13 Trustee
GA Bar No. 118350

/nt

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

Debtor:
Sarah M. Thomas
5109 Claxton Ct.
Mableton, GA 30126

Attorney for Debtor:
Pro Se

with a copy of the foregoing Notice of Hearing on Trustee's Motion to Dismiss Case For Failure to Comply by deposition in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This the 12th day of August, 2011

/s/ _____
Maria J. Kirtland
Attorney for Chapter 13 Trustee
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